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REMARKS

Claims 1-62 are pending in the present application. Independent Claims 1, 27 and 46 have been amended to clarify that which was already claimed, to correct translation errors and/or scrivener's errors, and to maintain antecedent basis. Support for the amendments to Claims 1, 27 and 46 can be found on at least page 26 line 11 through page 27 line 9 and page 67 lines 17-27 of the specification. The amendments to Claims 2-6, 8-16, 18, 20-21, 23-24, 28-41, 43-45, 47, 49, 51, 54-55, 58, and 60 were to correct translation errors and/or scrivener's errors, and to maintain antecedent basis, and should not be construed as narrowing amendments. Applicant respectfully requests reconsideration of the pending Claims in view of the amendments to the Claims and the following remarks.

Doubling Patenting

Claims 1-62 have been provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-80 of copending Application No. 09/786,818 (Attorney Docket No. 9683/82). Applicant respectfully requests this provisional rejection be held in abeyance until the present application is in condition for allowance.

Claim Rejections pursuant to 35 U.S.C. §102(e)

Claims 1-11, 14-36, and 39-62 stand rejected pursuant to 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,115,611 to Kimoto et al. (hereinafter "Kimoto"). Applicant respectfully traverses these rejections since Kimoto does not describe each and every limitation of the claims.

Claims 1-11, 14-22 and 61

The method of amended Claim 1 describes receiving at a mobile communication terminal, from a computer through a mobile communication network, down data containing a request for

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location information, identifying, with said mobile communication terminal, a format of said
down data, and acquiring at said mobile communication terminal location information indicating
a location of said mobile communication terminal. Claim 1 also describes adding at said mobile
communication terminal, said acquired location information to said down data in accordance
with said format of said down data, and transmitting a resulting data to said computer as up data.
Kimoto, on the other hand fails to describe a mobile communication terminal that receives down
data that includes a request for location information, identifies a format of the down data,
acquires location information, adds, in accordance with the format, the acquired location
information to the down data, and transmits a resulting data to a computer as up data as described
in Claim 1. To the contrary, Kimoto describes a request from a mobile terminal (Col 27 line 19
and Col. 26 line 44-47), not a request received by a mobile terminal as described in Claim 1.

     In addition, Kimoto describes an information center configured in a mobile
communication system to communicate with a mobile terminal. (Col. 16 lines 12-14) The
information center is used to accumulate and store information related to the position of the
mobile terminal, and information or a service related to the position information. (Col. 16 lines
34-50) The mobile terminal of Kimoto can use the information or services relating to the
position information accumulated in the information center. (Col. 16 line 67 and Col 17 lines 1-
2) Kimoto's position information or a service relating to the position information is transmitted
to the information center by the mobile terminal and is accumulated in the information center.
(Col. 16 lines 28-30, Col. 18 lines 48-54) The information center can transmit the accumulated
information to the mobile terminal. (Col. 18 lines 61-67)

     Clearly, Kimoto does not describe adding acquired location data to received down data as
described in Claim 1. To the contrary, Kimoto describes transmitting only position information
from a mobile terminal, so Kimoto cannot possibly teach a mobile terminal that adds acquired
location information to received down data. In the office action, it was apparently asserted that
such limitations are described with respect to the information center of Kimoto. Even if this
were the case, the information center of Kimoto is not a mobile terminal as described by Claim 1
and is not transmitting a resulting data to a computer through a mobile communication network

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as further described in Claim 1, since Kimoto's information center is transmitting information to a mobile terminal.

In addition, contrary to the assertions in the office action, Kimoto fails to even mention a character string included in down data that contains a request as described in Claims 2-4. Thus Kimoto cannot possibly describe down data that contains a character string requesting location information acquisition time as described in Claim 2, or a state of a user as described in Claims 3 and 4. Clearly Kimoto's description of detection of broadcast identification information of a radio base station (CSID) (Col. 31 lines 31-37) as asserted in the office action mailed December 15, 2005 includes no discussion of a character string contained in down data, or the specific contents of such a character string. In addition, Kimoto does not describe substituting acquired location information for a predetermined character string contained in the received down data as described in Claim 5, nor does Kimoto describe that the down data received by the mobile communication terminal contains information indicating an address as described in Claim 6. Further, Kimoto does not describe receiving down data containing a request for location information and containing a plurality of addresses as provided in Claim 7.

Kimoto also does not describe transmitting location information at predetermined intervals designated by the received down data as provided in Claim 9, nor accumulating location information acquired at predetermined intervals, and transmitting said accumulated location information at a time point designated by the received down data as described in Claim 10. To the contrary, the cited portion of Kimoto describes lists that are manually selectable by a user based on a current position or a time zone the user is in. (Col. 40 lines 33-34). In addition, Kimoto does not teach stored in advance disclosure information indicating whether location information is to be disclosed to a computer as described in Claim 14. Thus, it follows that Kimoto is not at all concerned with transmitting a notice of rejection of the provision of location information as described in Claim 15. Claim 16 describes receiving down data containing a request for location information and also containing information designating a method of location measurement. In contrast, Kimoto describes no such designation. Nor does Kimoto describe a quality condition in received down data as described in Claim 17. Also, Kimoto does

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not describe determining whether a predetermined character string contained in down data received by a mobile terminal is embedded in a selected one of a plurality of menu items as described in Claim 61. Applicant respectfully requests the pertinence of Kimoto to Claims 2-7, 9-10, 14-17 and 61 to be clearly and specifically explained since Applicant is unable to find any basis in the office action mailed December 15, 2005 for the rejection of these claims. (See the requirements of MPEP 2660 (III) "clearly set forth grounds for rejection . . . and reasons supporting grounds", and MPEP 2260.01 "dependent claim should not be . . . rejected merely because it depends on a rejected . . . claim.")

Claims 23-26

Kimoto does not describe a destination mobile terminal, nor transmitting from a mobile terminal to the destination mobile terminal a pre-stored network address and acquired location information added to the pre-stored network address as described in Claim 23. In fact, the limitations described in Claim 23 do not appear to be addressed at all in the office action mailed December 15, 2005. (See MPEP 2660 (III))

Claims 27-36, 39-45 and 62

Amended Claim 27 is directed to a mobile terminal that includes the limitation of communication means for receiving down data containing a request for location information from a computer. In addition, the mobile terminal of Claim 27 includes the limitation of processing means configured to acquire location information of the mobile communication terminal, and add the acquired location information to the received down data. As previously discussed, not only does Kimoto fail to describe a mobile terminal that receives down data containing a request from a computer for location information, but also Kimoto fails to describe processing means included in the mobile terminal that is configured to add acquired location information to the received down data, or communication means that is configured to transmit the down data that includes added information as up data to a computer as described in Claim 27. In addition, as previously discussed, Kimoto fails to describe processing means that is configured

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to detect a character string in down data that requests specific information as described in Claims 28, 29 and 30, communication means configured to substitute acquired information for a character string contained in down data as described in Claim 31, or processing means configured to detect addresses in down data as described in Claim 32. Further, Kimoto does not describe acquisition of location information at predetermined intervals as described in Claim 33, transmitting location information during a period designated by down data as described in Claim 34, or at a time point as described in Claim 35.

Claim 39 describes down data that contains information designating a location measuring method, and Claim 40 describes down data that contains data designating a quality condition of location information. Kimoto fails to describe down data that contains such information or designation of a quality condition thereof, and therefore cannot possibly describe a processing means that is configured to select a location measuring method designated by down data as further described in Claim 39 or a processing means configured to select a location measuring method based on the designated quality condition as described in Claim 40. As previously discussed, Kimoto also fails to describe stored disclosure information as described in Claim 43 or transmission of a notice as described in Claim 44. Also, Kimoto does not describe means for determining if a predetermined character string contained in down data received by a mobile terminal is embedded in a selected one of a plurality of menu items as described in Claim 62.

Applicant again respectfully requests the pertinence of Kimoto to Claims 28-30, 32-35, 39-40, 43-44, and 62 be clearly and specifically explained since Applicant is unable to find any basis in the office action mailed December 15, 2005 for the rejection of these claims. (See the requirements of MPEP 2660 (III) and MPEP 2260.1)

Claims 46-48

Kimoto does not describe an arbitrary terminal, nor transmitting means configured to transmit with a mobile terminal a network address and acquired location information added to the network address for receipt by the arbitrary terminal as described in Claim 46. In fact, the

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limitations described in Claim 46 do not appear to be addressed at all in the office action mailed December 15, 2005. (See MPEP 2660 (III))

Claims 49-60

Claim 49 describes a mobile terminal that includes a radio unit configured to receive down data that includes a request for a current location and a microcomputer configured to replace a portion of the received data with acquired location information. Claim 49 further describes that after replacement, the radio unit is configured to transmit a resulting data as up data. As previously discussed, Kimoto does not describe a request received by a mobile terminal, nor replacement by the mobile terminal of a portion of the received data. Kimoto also does not describe transmission of resulting data as up data in response to the request. As also previously discussed, Kimoto does not describe a predetermined datastring to be replaced with location information as described in Claim 50. In addition, Kimoto does not describe a datastring that is a request for a state of a user, where the state comprises a selectable status indication of a user as described in Claim 51, or that the status indication is determinable by a microcomputer as described in Claim 52, or manually by a user as described in Claim 53, or that the status indication comprises at least one of the indications described in Claim 54. Further, authorization to receive location information as described in Claim 55, a menu that includes menu items in response to receipt of down data as described in Claim 56, and a plurality of destination addresses as described in Claim 57 are not described by Kimoto. Also, a time specified in the down data as described in Claims 58 and 59, and designation of a location information measurement method in the down data as described in Claim 60 is not described by Kimoto.

Applicant again respectfully requests the pertinence of Kimoto to Claims 50-60 be clearly and specifically explained since Applicant is unable to find any basis in the office action mailed December 15, 2005 for the rejection of these claims. (See the requirements of MPEP 2660 (III) and MPEP 2260.01)

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For at least the previously discussed reasons, Kimoto does not describe each and every limitation of Claims 1-11, 14-36, and 39-62 and Applicant respectfully requests withdrawal of the 35 U.S.C. §102(e) rejection of these Claims. In addition, Applicant respectfully requests that examination on the merits and the basis for the rejection of Claims 2-7, 9-10, 14-17, 23, 28-30, 32-35, 39-40, 43-44, 46 and 50-62 be designated and clearly explained in a non-final office action to allow the Applicant an opportunity to respond to the specific rejections.

Claim Rejections pursuant to 35 U.S.C. §103(a)

Claims 12, 13, 37 and 38 stand rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of Kimoto, and further in view of U.S. Patent No. 5,959,977 to Fan et al. (hereinafter "Fan"). Applicant respectfully traverses these rejections since all of the features provided in Claims 12, 13, 37 and 38 and/or the corresponding independent claims are not taught, suggested, or disclosed by Kimoto or Fan either alone or in combination. Thus, a *prima facie* case of obviousness has not been established and Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejections of Claims 12, 13, 37 and 38.
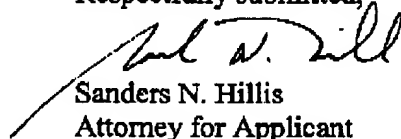
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Conclusion

Applicant believes that the present pending claims of this application are allowable and respectfully requests the Examiner to issue a Notice of Allowance for this application. Should the Examiner deem a telephone conference to be beneficial in expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,

Sanders N. Hillis
Attorney for Applicant
Attorney Reg. No. 45,712

BRINKS HOFER GILSON & LIONE
CUSTOMER NO. 00757
Telephone: 312-321-4200

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